#### D\_ARTMENT OF LIVESTO K

K STATE ADMINISTRATION Exhibit No.



BRIAN SCHWEITZER, GOVERNOR

Date 3-28-07

Bill No.\_\_\_\_

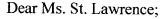
**HELENA, MONTANA 59620-2001** 



ANIMAL HEALTH DIVISION (406) 444-2043 CENTRALIZED SERVICES DIVISION (406) 444-9040 MEAT & POULTRY INSPECTION BUREAU (406) 444-5202 MILK & EGG BUREAU (406) 444-9761

Tuesday, March 13, 2007

Abigail J. St. Lawrence Doney, Crowley, Bloomquist, Payne and Uda, Attorneys at Law Diamond Block, Suite 200 44 West 6<sup>th</sup> Ave Helena, MT 59624-1185



Here are the documents that you requested in your March 5<sup>th</sup> letter:

- 1) Case file for M-66-96, M-67-96, M-68-96 and M-69-96 (I still have not received a copy of the disposition from the citations in Beaverhead County but it appears that bond was forfeited)
- 2) Incident Report dated 1/15/97 Threat of Pat Anderson (talked to Pat for disposition and he sent it out for Officer safety no charges filed)
- 3) Memo dated February 10, 1997 State of Idaho (self-explanatory)
- 4) Letter dated May 1, 1997 request for assistance in tracking cattle due to mortgage (Pat looked into this matter and said they changed lenders)
- 5) Two Warning tickets dated 0/12/98 and 12/19/00 (self-explanatory)

This is our file as it pertains to your request.

Sincerely,

John Q. Grainger

Brands Enforcement Administrator

MISDEMEANOR CASE REPORT Investigation Initiated Date of Offense 9-29-96 Notice to Appear Issued \* County Beaverhead Court -// Bond Taken Cty. Atty. Jom San Information Filed Inspector Owen S. Brown Summons Isssued Trial Date Court & Judge JP, Jean Hun Sentence Defendant Stan Boone Ir (Juvenile) Address Box 96 59039 Phone 354-6641 Any Prior Offenses Charged with MCA # Removing Livestork from State Origin of Violation: \_ Livestock Truck Stop Violation Market Originated Violation Animal Health Violation X Other Evidence

Witness Name	4673 N. 2000 E.	Phone
Rick S. Palmer	Sugar City, ID 83448	208-356-0540
Robert W. Johnson	Idaho Falls, ID	208-524-5801
Chuck Edmisten	Lima, MT	406-276-3733
Gene Walsh	Cameron, MT	406-692-4898
Craig Britton	Batte, MT	406-494-2670

Name

Address

Phone

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### MONTANA DEPARTMENT OF LIVESTOCK OFFENSE/INCIDENT REPORT

	OFFENSE/INCIDENT REPORT	CASE #
ATE: <i>//-07-96</i> c	RIME: 81-3-213 Repressing	Evertark from State
OUNTY: Beaverhead		TIVE DIATE
NSPECTOR: Owen S,	Brown	
ICTIM:	PHONE	ADDRESS:
/ITNESSES NAME	PHONE	ADDRESS
Rick S, Palmer	208-356-0540	ADDRESS 4673 N. 2000 E. Sugar City, ID 83/48
Robert W. Johnson	208-524-5801	Idaho Falls ID
Juck Edmisten	401-276-3733	
USPECTS: Mark Pati	ich Board	Kland ; /1 /
Stan Ba		
Supposedly T	head County, without , here cattle belonger These cattle had	1 to Stan Borne
BY GEAR Walsh	<i>,</i> , <del></del>	t of Lakeside.
0-16-96 I con	Hacted Mrs Gene W.	alsh = 687-4898 -
the told me	that Strage Mark	Brown 1 al a land
elween 740-101	Il hood at wanting	Land The same
of the end	of September. She	Va Va
bout to	I Thought was at	new nothing
then the 1st	there was not a	prand inspector then
had Brance	He were being loade home # 354-6641	d Firs Walsh
you done p	pone 354-664/	

#### ⊌rFENSE/INCIDENT REPORT (Continued)

proce Two inspection Cower Screwn DATE 11-07-96 CASE  10-17-96 1410 Ars Churk Edmister calked to tell  me that Ston Boone Shipped 14 loads of youthaps  From the Gene Walch Franch in Alaska Dasin to Ward  Johnson Fredlot at Tako Talk, Robort Schoon on  Naid Johnson's Som - was at Walch ranch on  09-20-96 For about an hour while the frist  Truck was being loaded.  09-20-96 - 4 loads  09-20-96 - 4 loads  09-20-96 - 4 loads  10-01-96 - 3 loads  Truckers were: Palmer of Black Peterbuilt  Boots of White Treightlines  Meany of Maton Kanvorth  Bronz Kenworth  Gronz Kenworth  Gronz Kenworth  They subst need as importer adin't even was about weking@Cattle  They subst need as importer adin't even was about weking@Cattle  They subst need as importer adin't know a was about to keep the place of this spring, he could not remember who  inspected the cattle to come to General Country fact to the cattle to come to General Country fact to the cattle to leave M to go  to ID. He also claimed he didn't know who inspected the cattle to leave M to go  to ID. He also claimed he didn't know who hauled the M loads of cattle to Ward  Leanson falt in Idaglo talk. Mark chained he was not involved with the the shipping of the	
10-17-96 1410 hrs Chuck Edmister called to tell  me that Stan Boone shipped 14 loads of workings  from the bene Walsh Farch in Alaska Basin to Ward  Johnson Feedlot at I daho Falk, Robert Schoson  Ward Johnsons Son - was at Walsh ranch on  09-28-96 for about an hour while the Pirst  Truck was being paded.  09-29-96 - 4 loads  09-30-96 - 4 loads  09-30-96 - 3 loads  Truckers were: Palmer " Black Peterbuilt  Boots " White Freightlines Meaning The Garry" Platon Kenworth  " Dronz	PAGE TWO INSPECTOR: OWEN S. Brown DATE: 11-07-96 CASE
me that Stan Boone shipped 14 leads of your liggs  From the bene Walsh tranch in Alaska Basin to Ward  Johnson Predlot at Idokotalls, Robert Schroon  Nard Johnsons Son- was at Walsh ranch on  09-20-96 For about an hour while the Pirst  Track was being loaded.  09-20-96 - 3 loads  09-30-96 - 4 loads  09-30-96 - 3 loads  Trackers were: Palmer " Black Peterbuilt  Boots " White Treightlines "  "Course showed up he asked where the broad inspector was no was a they sidn't need an inspector 2 didn't even want churk poking@Cottle  19-96 0830 hrs I placed Park Boone at 354-664!  Mark said that they had shipped aprox, 250  yearlings from Rosebud County to brone Walsh  place This spring, he could not remember who inspected the cattle to come to Beaverhood  Country Mark told, me he did not know who inspected the cattle to leave II to go  to ID He also claimed he didn't know who hauled the 14 loads of cattle to Walsh  Lehnson Falt in Todale talk Mark entired to Walsh	10-17-96 1410 hrs Chuck F. don's ten called to tell
From the Gene Walsh tranch in Alaska Basin to Ward  Jahann Fredlot at Idaho talk, Robert Schason-  Ward Johannis Son - was at Walsh ranch on  09-28-96 for about an hour while the first  Frack was being paded.  09-20-96 - 4 loads  09-20-96 - 4 loads  09-30-96 - 4 loads  10-01-96 - 3 loads  Trunkers were: Palmer of Black Peterbuilt  Boots of White Freightliner  Meany of Cataon Kanvorth  Bronz Kenworth  They sich to need as inspector & didn't even want akuk tooking Octille  19-16 0830 hrs. I phoned Mark Boome at 354-664/  Mark said that they had shipped aprox, 250  yearlings from Rosebud County to brone Walsh  place This spring, he could not remember who inspected the nattle to come to Beaverhood  County, Mark told me he did not know who inspected the cattle to leave MT to go  to ID, He also claimed he didn't know  who hauled the 14 loads of cattle to Ward  Leanson Felt in Italia talk Mark shimal he	
Jahren Fredlot at Jahotalle, Robert Schisson- Ward Johnson's Son - was at Walsh reach on  09-28-96 for about an hour while the first  Frack was being loaded.  08-28-96 - 3 loads  09-29-96 - 4 loads  09-30-96 - 4 loads  10-01-96 - 3 loads  Truckers were Palner of Black Peterbuilt  Boots of White Treightliner  Mearry Palacan Kenworth  Bronz Kenworth  They sich reed an inspector & didn't even want about beking@atth  19-96 0830 hrs. I phoned Park Boone at 354-664/  Mark said that they had shipped aprox, 2500  yearlings from Rosebud County to brene Walsh  place This spring, he could not remember who inspected the nattle to come to Beaverhood  County Park told me be did not know who inspected the cattle to leave MT to go  to ID, He also claimed he didn't know  who hauled the 14 loads of cattle to World  Sednson Felt in Told tolk Mark shimal he	From the Gene Walsh ranch in Alaska Basin to Ward
Ward Johnson's Som-was at Walsh rench on  09-28-96 for about an hour while the first  Frack was being pended.  09-28-96 - 3 leads  09-20-96 - 4 leads  09-30-96 - 4 leads  10-01-96 - 3 leads  Truckers were: Palmer w/ Black / Eterbuilt  Boots W/ Mateon Kenworth  Bronz Kenworth  Mark showed up he asker where the bronse trailers was to was they sidn't need as inspector 2 didn't even want churk weeking@attil  19-96 0830 hrs. I phoned Mark Boone at 354-664//  Mark said that they had shipped aprox. 950  yearlings from Rosebud County to brone Walsh  place this spring, he could not remember who inspected the cattle to come to Beaverhood  County, Mark told me he did not Know who inspected the cattle to leave MT to go  to ID. He also claimed he didn't know  who hauled the 14 loads of cattle to Ward	
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County Mark told me be did not know who inspected the cattle to leave MI to go to ID. He also claimed he didn't know who who hauled the 14 loads of cattle to Ward Johnson Falt in I dale talk Mark chimal he	yearlings from Rosebud County to bene Walsh
County Mark told me be did not know who inspected the cattle to leave MI to go to ID. He also claimed he didn't know who who hauled the 14 loads of cattle to Ward Johnson Falt in I dale talk Mark chimal he	place This spring, he could not remember who
inspected the cattle to leave MT to go to ID. He also claimed he didn't know who hauled the 14 loads of cattle to Ward Lephson FdH in Idala talk Mark chimal h	The cartie to come to cravernoon
who hauled the 14 loads of cattle to Ward tehnson Felt in Idalo Folk Mark chimal in	Country fack told me be did not know who
who hauled the 14 loads of cattle to Ward tehnson Felt in Idalo Folk Mark chimal in	inspected the cattle to leave MT to go
Toposon Falt in I dala talk Mark chimal to	To ID. He also claimed he didn't know
was not involved withe the shipping of the	who hauled the 14 loads of cattle to Ward
was not involved withe the shipping of the	Vernson Fatt in Laghe talls, Mark chined he
•	was not involved withe the shipping of the

#### € FENSE/INCIDENT REPORT (Continued)

PAGE Three INSPECTOR: Owen S. Brown DATE: 11-09-96 CASE: cattle to Idaho, he also said that he was, not around when cattle were shipped 10-23-96 1140 hrs Met with Chuck Edmister (Cowbay for Alaska Basin Grazing Assoc, 4 Jim Stoddard (Idaho Brand inspector), Ling I decided that I would neet I'm on 11-01-96 to work these cattle at Johnson's feedlat. Vin told, me That Ward was sonding 81 head of these cattle to Butte tomorrow for the sale on friday 10-25-96 Health #82-26515 M+ Import # E-102-101-81 46 Hfrs = 35 Strs 10-28-96 I met with # Mr Mrs Gene Walsh at their corrals East of the Red Rock Rosuge in Alaska Basin, They told me that Mark Bone was at the Rach when the cattle were being shipped to Idalo, and did help with The shipping, and did know that there was not a brand, inspector inspecting the cattle, and that the cattle were in Montang and going to Idaho, I asked why Gene why he did not inform me or another brand inspector about not having an inspection to loave the state. He said be figured that seeing as how Chuck Edmister was There looking at the cattle Clooking out for locals interests) he would not say anything because they were not his cattle. Chuck did not see all of the nattle on all

#### orFENSE/INCIDENT REPORT (Continued)

PAGE Four INSPECTOR: Owen S. Brown DATE: 11-07-96 CASE: four days, Gene said he would be willing to give a statement as to the events as he Knows them and to who was there while the cattle were being loaded. I inspected Typhs to go to Butte, of E IR, Stan belonging to Mark of Stan Bonne to go to Butte to sellin Boones name: 10-29-96 I recieved a copy of a Grazing Permit

From More, Bridges 1

1554ed to Stan Boone on 06-10-96 For 1080 head of mixed yearlings to go from Rosebud County to Madison County 11-05-96 I controlled Ward Lohnson - 208-524-5801he told me that they (ward & Robert tohnson) had bought these yearlings from Craig Britton-Britton Livestock. Ward did not give it any Thought as to getting a brand inspection and did not pay any attention as to where the Idaho-Montana border was Ward told me that The would have the steers in tomorrow and will have the heifers in on Thursday, If we are at the feedlot by 0930 hrs on thursday we will have time to look at the Steers before The Leiters are in. I contacted Boone Jones (15 510) to go to Idaho with me to help work These cattle, fores will meet me in Dillon tomorrow 11-06-96 1200 hrs Met Jones & we went to Idaho Falls 11-07-96 0950 hrs Jones = I went to Johnson Feedlot " met Lin Stoddard we worked 298 steers, 576 Hrs, 874

#### GFENSE/INCIDENT REPORT (Continued)

PAGE Five INSPECTOR: Quen S. Brown DATE: 11-07-96 CASE:
Kirk Miller - Senier Investigator with USDA, APHIS, RE
Boise, ID was also with us checking on the
spayed heiters because Boone's did not get a
health certificate to take cattle to Idaho.
When we were finished inspecting the cattle
Robert Johnson tilled out a voluntary statement
torm, Johnson's also made photo copies of the
Checks showing they had payed paid Britten Livestock for the cattle. We were also given
Livestock for the cattle. We were also given
photo copies of I do ho Brand inspections showing
a total of 879 head, Johnson told us 5 of
The cattle had died.
1630 hrs Jones - I met with Rick Palmer,
Palmer was the trucker that lined up the trucks to how these eattle to Lohnson Feedlot
he told us that he was aware that there
Should have been a hound increation on Hose
should have been a brand inspection on these cattle he asked about an inspection was
told that he didn't need to worry about it
the cattle would be looked at in Idaho.
- Juen S Brown
25507
11-08-96 0800 hrs Jones T came back to Dillon
1200 hrs in Dillon 9 Jones went home.
13507

#### **GEFENSE/INCIDENT REPORT (Continued)**

PAGE Six INSPECTOR: Owen SiBrown Date: 11-13-96 CASE:
1-12-96 Talked with 15502-Rob Tierney- about what I
had found in Idaho, Tierney told me that Craig
Britton wanted to talk to me about what was
going on with this, what I was going to do
wanted to make sure I talked to him before
writing any tickets.
writing any tickets. 11-20-96 1530 hrs I contacted Britton regarding these
cattle. Britton told me that these were Boone's
cattle, he was only the agent for Boone, Britton
bought cattle for, and sold cattle for Boone; that
is why the checks from Johnson's were made
to Britton instrad of Boone Britton Then
paid Boone, Britton said that he belives
Boone is responsible for getting an inspection
done before the cattle left the state Britton
does not think that there was any attempt
to defraud-after all inspections are more expension ID ton than it is in MT.
in ID for than it is in MI
Long Britton said that he would like to Know
What I decide to do (regarding fines). If I let
him know what I am going to do be will contact
Boone 4 tell him how much he (Boone) owes the
Dept Department of Livestock for a fine & Britton
will make it right. That way we can be done with this Matter."
~UUV/

This permit may be issued only by Montana State Stock Inspectors under the provisions of Section 46-801.2 R.C.M., 1947

#### TRANSPORTATION PERMIT FOR GRAZING PURPOSES WITHIN MONTANA ONLY

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									BritTON Trucks
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Owner	. /	<del>, , , , , , , , , , , , , , , , , , , </del>	1	Addres	ss/ C/1/1	1			Date
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County of C	Origin	<del></del>		•		. •'			County of Destination
BOD	MP	_ R	ich.			*	•		GENE Walsh BN
Section		Town	nship (	SU	BJECT	TO INS	RECTIO	N	Section Township
MULES	GELDINGS	MARES	STUDS	COLTS	CALVES	T :	LOCATION	l T	
STEERS	cows	YR. HFRS.	BULLS	STEERS	HFRS.	BRAND	OF BRAND	. D	ESCRIPTION BREEDS
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1_/3	1213.	*		hereby	certify the	above desc	riptions of la	and and	livestock are correct and applicant is the rightful
owner or ha	as the rightfo	ul possessio	n thereof th	at there is r	no livestock	other than	described a	bove me	oved under this permit()
#10				· <u></u>	080	) .	<u>:                                    </u>	· .	derank Jaball
Feé '	. '			Total N	lumber				State Stock Inspector *
shall be file		spector with	the Depart	ment of Live	estock, Bra	inds-Enforce	l and third coment Divisi		THIS IS NOT A BRAND INSPECTION — DO NOT DIVERT OR GO ANYWHERE EXCEPT TO THE DESTINATION OR POINT OF ORIGIN WITHIN MONTANA AS NAMED
BE 18 STATE I	PUBLISHING CO , HELE	ENA, MONT.							ABOVE.

I hereby certify that this is a photocopy of the original document on file at the Montana Department of Livestock, Brands Enforcement

LEENES /25

BRANDS & RECORDS BUREAG DEPARTMENT OF LIVESTOCK BRANDS ENFORCEMENT DIVISION HELENA, MT 59620



#### Animal and Plant Health Inspection Service

Regualtory Enforcement 7261 Franklin Rd. Boise, Idaho 83709

Interview with Rick Palmer

11\6\96

ID97001-ST

Rick Palmer 1260 W 2000 N

208-351 1370

Sugar City, Id

208-356 0540

I contacted Rick Palmer at his home and office in Sugar City, Id. We discussed the movement of the Ward Johnson cattle from Montana. Rick said about 50 to 60 % of his hauling work is from Ward and Robert Johnson. Ward Johnson contacted Rick and made arrangements for the trucks to haul the cattle.

Palmer stated that he contacted several other livestock trucking companies around the valley to assist him, including Skaar, Mc Garry and Aaron Boots. Palmer stated that they hauled cattle for about 4 days. Rick knew he was in Montana about 5 to 7 miles when they loaded the cattle. He saw the sign when he crossed the border on the Red Rock Rd. Rick watched the cattle coming down the hill into the corals where he loaded. Johnson told him the brand was registered in both states and no paper work was needed. It would be taken care of in Idaho.

Palmer has not billed Johnson yet.

Kirk B Miller

Sr. Investigator

USDA, APHIS, RE

Boise, Idaho

EXHIBIT #16		<b>VOLUNTAR</b>	YSTATEM	ENT	
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following	statement to Owe	n Brown			, he having first
identified that I mo inate my ment cou threat, co whomsoe	himself as a District of himself as a district	n my behalf present of make this statement and the in any court of the favor or offer of favor	md that I do not voluntarily, of m law, and I decid r, leniency or of	t have to make any own free will, lare that this statem fer of leniency by	, knowing my statement nor incrim- knowing that such statement is made without any any person or persons
		on recieved			
	<b>.</b> .	Britan Livertock			t
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Ip	evsonaly showe	d Rick Palmer &	the other	truckers on	Sep 28th where
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Coulc	look e then.	off truck. A-	Fter Looki	ng @ the s	First truck Load
I 49	d Rick Palmer	there was no	inspector	so he nee	ded a trip permit
From	Boone & I.	told Rick the	cattle wou	ld be inspe	cted in Idhotals.
•				, ,	me a bill of
		the brand i	- ,,		_
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13 mi	les west of 1	tenryslake. At	this time	I didn't know	w if the cattle
Weve	hooded in Idal	o or Montana	. I recieved	the cattle	on son 28 29,304 Qt1
having	Mel look each d	and Britton Lives	tock for the	cattle & Deduct	on Sep 2829,304 Qtl Falls I Paid Jedl 29 per Hd for Bran In
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W. JOHNSON VESTOCK
FARM & LIVESTOCK ACC.
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PARM & LIVESTOCK ACCOUNT
317 Springwood Lane
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223-8587 Or 524-5891 IDAHO FALLS, IDAHO ROBERT W. JOHNSON THE BALIK OF COMMERCE DATE FALLS, IDAHO

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LIVESTOCK BRAND INSPECTION STATE OF IDAHO

124880

Laisand Destination: Address:

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Date:

COLCR OR BREED LOCATION BRAND Nonses PULLS CALVEE HEIFERS COWS

TOTAL NO. OF HEAD





#### Montana Department of Livestock Offense/Incident Report

Investigating Officer: Pat Anderson

Directed To: Owen Brown Regarding: Stan Boone

Date: 1/15/97

1/13/97 At about noon today, I served the four NTAs that you had written to Mr. Stan Boone relative to the movement of his cattle from Beavernead county to Idano without brand inspections. Mr. Boone became extremely upset, yelling at me and asking who was "going to feed my fucking cows", as it was going to take him three days to go to Lima to answer to the charges. In trying to calm him down, I told him I didn't know all the details involved, and that I was just there to serve the tickets for the officer who had written them. Mr. Boone then stated that he would "kill the messenger".

I did not pick up an appearance bond on any of the tickets, and wrote an appearance date of 2/3/97.

Mr. Boone had calmed down somewhat before I left, stating that he had already put out five hundred dollars on this deal, and that Craig Britton had told him that would be the end of it.

Mr. Boone was still concerned about having to leave his ranch to

appear before the judge, I adveised him that I was not going to change the appearance date, but that he could possibly call the judge and make other arrangements.

Enclosed are the remaining copies of the NTAs. I sent the goldenrod copies to Cheri at the Helena office.

cc. Owen Brown Marc Bridges Curt Seward - Rbd. Co. Sheriff DEPARTMENT OF AGRICULTURE

PHILIP E. BATT Governor

PATRICK A. TAKASUGI

2270 Old Penitentiary Rd. P.O. Box 7249 Boise, Idaho 83707

(208) 332-8540

February 10, 1997

TO:

Stan Boone

P.O. Box 96

**DIVISION OF ANIMAL INDUSTRIES** 

Ingomar, MT 59039

FROM:

Bob Hillman, D.V.M.

Administrator

Division of Animal Industries

SUBJECT: Violation of Idaho Livestock Import Laws & Rules

I am in receipt of an investigation report from Mr. Kirk Miller, Senior Investigator with the USDA, APHIS, RE, which clearly shows you were one of the parties responsible for moving cattle (859 steers and heifers) into Idaho without a Certificate of Veterinary Inspection or a permit to do so.

Idaho Statute clearly states as follows:

Idaho Code 25-221: Importation of livestock and other animals. (see attached)

Idaho Code 25-219: Punishment for violation of rules and regulations. (see attached)

As you, with your many years of experience with livestock should know, the animal import laws & rules are in place to protect Idaho livestock and you!

Since these animals were inspected in a reasonable amount of time after their arrival in Idaho with no apparent serious health problems, by your Veterinarian, Dr. Nield; we are going to close this case with this warning letter. However, should you be involved in any other violations of State animal health laws, you will be subject to the extent of the law.

Cc: Veterinary Serivces Kirk Miller



Compiler's notes. The words "this act" refer to \$\frac{9}{2}\$ 25-217 — 25-219.

Section 113 of \$\frac{1}{2}\$ 1.974 - 1.074

Collateral References. 4 Am. Jur. 2d, Animals, § 33. 3A C.J.S., Animals, § 73.

Section 113 of S.L. 1974, ch. 18 is compiled as § 25-215.

25-219. Punishment for violation of rules and regulations. — Any person, firm or corporation violating any of the provisions of this chapter or any of the rules and regulations made and in force and effect by the department of agriculture or division of animal industries of the state of Idaho, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense, or by imprisonment in the county jail not exceeding six (6) months. [1921, ch. 35, § 3, p. 45; I.C.A., § 24-219; am. 1974, ch. 18, § 115, p. 364; am. 1982, ch. 21, § 1, p. 25.]

Compiler's notes. Section 2 of S.L. 1982, ch. 21 is compiled as § 25-221.

Section 4 of S.L. 1921, ch. 35 declared an emergency. Approved February 24, 1921.

Liability in Damages.

Where father gave daughter seven pigs which were not segregated from his or turned over to her until the day she sold them at a sales yard after she hauled them there in father's truck, with his knowledge, both would be liable in damages to the buyer where pigs were diseased and they both knew it, or should reasonably have known. Daniels v. Campanello, 75 Idaho 475, 274 P.2d 998 (1954).

Collateral References. 3A C.J.S., Animals, §§ 77-90.

#### 25-220. Importation of cattle — Dairy or breeding animals. [Repealed.]

Compiler's notes. This section, which comprised 1919, ch. 35, § 15, p. 126; C.S., S.L. 1963, ch. 131, § 1, p. 383.

25-221. Livestock. — It shall be unlawful for any person, firm or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this state livestock unless they are accompanied by a health certificate showing the livestock to be free from contagious, infectious or communicable diseases or exposure thereto, the certificate to be rendered in such form and manner as may be provided in the rules and regulations of the division. It shall further be unlawful to alter, change or modify an issued official health certificate. For the purposes of this chapter, the term "livestock" is defined as cattle, swine, horses, mules or asses. [1919, ch. 35, § 16, p. 126; C.S., § 1858; I.C.A., § 24-221; am. 1974, ch. 18, § 116, p. 364; am. 1982, ch. 21, § 2, p. 25.]

Compiler's notes. Section 115 of S.L. Section 1 of S.L. 1982, ch. 21 is compiled as \$ 25-219.

25-221A. Diversion of livestock. — It shall be unlawful to divert livestock from destinations consigned on a health certificate without notifying the bureau of animal health of the department of agriculture within seventy-two (72) hours following the diversion. When livestock are found not to be in compliance with the provisions of this chapter, the department of agriculture may order such livestock to be slaughtered, removed from the

state or pl 1982, ch.

Cited in: 769 P.2d

25-222. nity to o person, ex United St bovine an written or with the r rized and appraising determine to exceed less the order to o The inder animal in in accord: 260 or any p. 127; C

Compiler to in this section Cross ref § 25-216.
Cooperation animal industrial Power of I animals and

25-223. shall be a regulation United St dissemina cable disering with the stor exhibition cholera se except in § 27, p. 13

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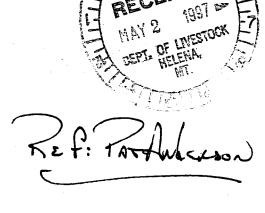
25-224. of the disanimal is



First Interstate Bank of Commerce Miles City Office 1115 Main Street P.O. Box 1237 Miles City, MT 59301 406 232-5590

May 1, 1997

Mark Bridges
State of Montana
Department of Livestock
Marks and Brands Division
P.O. Box 202001
Helena, MT 59620-2001



RE: Stan Boone d/b/a Boone Land and Livestock

Dear Mr. Bridges:

This letter is to request your assistance and cooperation in tracking mortgagee's cattle that have been moved from the Boone Ranch in Rosebud County. I have reason to believe that the borrower has shipped cattle from the ranch without proper brand inspections, and that they were subsequently sold out of trust with provisions of his loan documents. Cattle branded and mortgaged to First Interstate Bank include those with the practice on the left shoulder. To date, the borrower has been uncooperative in allowing access to livestock inspections.

For your information and a brief review, Mr. Boone, acting through his sons Mark and John, borrowed money for the purchase of 200 According to your records, there were 787 bred or stock cows. cow/calf pairs delivered to the ranch from March of 1994 through May of 1994, of which 200 were to have been branded with the  $\S$ However, since that time, the Bank has received very little proceeds from the calf crop or the sale of cows. I did find that 64 head of cattle were sold between the months of October of 1994 and December of 1994 through the Montana Livestock Auction in This was discovered by brand records and the Bank has yet Butte. to receive the proceeds from these cattle, even after confronting the owner, Craig Britton, about the situation. Unfortunately, the situation occurred again, but later, the Auction Market included the Bank's name.

The Bank and borrower finally reached a workout agreement on April 4, 1996. The borrower made a significant reduction in the indebtedness, apparently from other sources, under the provisions of this stipulation, however, final payments under the stipulation are currently in default. The Bank has scheduled with the district court an Order To Show Cause hearing on May 15, 1997.

Department of Livestock 05/01/97 Page -2-

During the past three years, there have been many inconsistencies with his actions regarding the shipment of cattle and with his corresponding relationship with Craig Britton of Butte. A further example of these inconsistencies was recently revealed by your own department's report of 1,000 yearlings which were shipped last year from the ranch to Western Montana and subsequently to the state of Idaho, virtually without any inspection for brands or health. The state of Mr. Boone and Mr. Britton to follow provisions under state law are certainly questionable at best.

I realize that without a livestock inspection, the acquisitions of cattle missing remain speculative, however, I'm told that there is and calves, and this is a far-reach from the 700 head level of and have determined that very few cows have been brand-inspected and have determined that very few cows have been brand-inspected matter with Mr. Boone's attorney, Milt Datsopoulos, he responded the cattle had died. If this is the case, an on-site inspection the cattle did not die and that they were in fact moved without anyone's knowledge and with Mr. Britton's help.

I would appreciate any help that you could provide in this case. You can contact me at (406) 232-5590 or by fax at (406) 232-7613.

Thank you.

Cordially,

Terry Wagner President

First Interstate Bank of Commerce

TW/ds

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W-10-98

Montana Department of Livestock Date\_

RANDS-ENFORCEMENT DIVISION

1-12-98

## WARNING

ame STAN BODALE

Idress Bx 96 INCOMAR MT 59039

Hair Eyes Height Sex Weight Occupation

Driver's License Number\_

## VEHICLE

_	
	Color
	Year
	Make
	Body Style
	License Number & State

# VIOLATION

No County Line Inspection		
No Market Consignment Permit	Removing Livestock	1
No Change of		
Ownership Inspection	No County Line	1
No Import Permit	Glazilly Fermit	
	No Import Inspection	- 1
No Health Permit		
	No Health Certificate	
THIS COLUMN		

2A 81-5-101 anation Cal 13-2-97 You SKIPED A STRAY COW BYMIENTERPRISES OF CONBUNE TO SCHTEFFER TO

LIDITION OF MILEN

e with the State Lawis Earnestly Requested. Narning has been issued for a Violation of the Montana Livestock Law. Your future com-

ity Issued

Xehurson/

\_Badge No. 65514

ARTCRAFT PRINTERS